

MIP

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILER

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UNITED STATES OF AMERICA,

Magistrate Docket No.

Plaintiff,

XMY
COMPLAINT FOR VIOLATION OF:

v.

Title 8, U.S.C., Section 1326
Deported Alien Found in the
United States**Ignacio LOYOLA-Zuniga,**

Defendant

)

)

The undersigned complainant, being duly sworn, states:

On or about **February 3, 2008**, within the Southern District of California, defendant, **Ignacio LOYOLA-Zuniga**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.


SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 4th DAY OF February 2008.


Ruben B. Brooks
UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:**Ignacio LOYOLA-Zuniga****PROBABLE CAUSE STATEMENT**

On February 3, 2008, Supervisory Border Patrol Agent O. Alvarez, was performing Patrol duties near the community of Coral Gates. Coral Gates is approximately one and a half miles west of the San Ysidro Port of Entry and half a mile north of the United States/Mexico international border.

At approximately 11:40 a.m. Agent Alvarez responded to a citizen's report of a suspected illegal alien walking on Glancy Street in the Coral Gates community. Agent Alvarez drove on to Glancy Street and saw an individual walking without any shoes on and using a black plastic trash bag as a raincoat. Agent Alvarez identified himself as a Border Patrol Agent and questioned the individual later identified as defendant **LOYOLA-Zuniga, Ignacio** as to his citizenship and nationality. LOYOLA stated he was a citizen and national of Mexico. Agent Alvarez then asked him if he had any United States immigration documents, LOYOLA stated he did not have any documents. LOYOLA also stated he had just crossed illegally and that he lost his shoes in the mud while he was crossing. Agent Alvarez placed LOYOLA under arrest and transported him to the Imperial Beach Border Patrol Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on **November 20, 2006** through the Port of Entry at **San Ysidro, California**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was advised of his Miranda rights and stated that he understood his rights and was willing to answer questions without an attorney present. The defendant admitted that he is a citizen and national of Mexico illegally present in the United States. The defendant further admitted that he had been previously deported from the United States and has not applied or requested permission to re-enter the United States legally. His stated his intended destination was Bell Gardens, California.